

**IOWA DEPARTMENT OF NATURAL RESOURCES
CONSENT AMENDMENT TO ADMINISTRATIVE ORDER**

IN THE MATTER OF: CITY OF BONDURANT	CONSENT AMENDMENT TO ADMINISTRATIVE ORDER NO. 2010-WW-02 Amendment 1
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To: City of Bondurant
200 2nd St., NE
PO Box 37
Bondurant, IA 50035

I. SUMMARY

The Iowa Department of Natural Resources (DNR) issued unilateral Administrative Order No. 2010-WW-02 (Previous Order) to the City of Bondurant (the City) on February 19, 2010 for alleged violations of the City's then-National Pollutant Discharge Elimination System (NPDES) permit and for alleged violations of certain Iowa wastewater rule requirements. The Previous Order assessed a \$10,000.00 administrative penalty (Penalty). The City appealed the Previous Order on March 11, 2010.

This consent amendment is intended to settle the requirements of the Previous Order. Upon compliance with the payment terms herein, the DNR will consider this matter closed and the City agrees to withdraw the appeal of the Previous Order.

Payment of penalty to:
Director of the Iowa DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034
[Note Order Number on Payment]

Relating to legal requirements:
David Scott, Attorney
Iowa Department of Natural Resources
Legal Services Division
Wallace State Office Building
502 E. 9th St.
Des Moines, IA 50319
Phone: 515-725-8239

II. JURISDICTION

Section II of the Previous Order is incorporated herein by reference.

III. STATEMENT OF FACTS

Section III of the Previous Order is incorporated herein by reference. In addition:

15. The City has not admitted to any of the allegations included in the Previous Order. This settlement agreement does not represent an admission of wrongdoing by the City.

IV. CONCLUSIONS OF LAW

Section IV of the Previous Order is incorporated herein by reference.

V. ORDER

Section V of the Previous Order is rescinded in its entirety and replaced with the following:

Therefore, the DNR orders and the City agrees to comply with the following requirements:

1. Given the significant investment the City has made by connecting its sewer system to the Des Moines Metropolitan Wastewater Reclamation Authority facilities, the parties have agreed that a penalty of \$1,500.00 to settle outstanding alleged NPDES permit violations is reasonable.

2. Payment to the DNR shall be directed to the address above and shall include a cover letter and/or a copy of the signed consent amendment with the payment. Payment is due within thirty days of the Director signing this consent amendment.

3. Upon signing this consent amendment, the City also agrees to withdraw its appeal of the Previous Order.

VI. PENALTY

Section VI of the Previous Order is rescinded in its entirety. The penalty payment amount has been agreed to by both parties after good-faith negotiation.


VII. APPEAL RIGHTS

Section VII of the Previous Order is repealed in its entirety and replaced with the following:

This consent amendment to the Previous Order is entered into knowingly and with the consent of the City. For this reason, the City waives the right to appeal this consent amendment to the Previous Order

VIII. NONCOMPLIANCE

Section VIII of the Previous Order is incorporated herein by reference.



CURT SULLIVAN, MAYOR
CITY OF BONDURANT, IOWA

Dated this 21st day of
November, 2016



CHUCK GIPP, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 12th day of
December, 2016.